

Fenwick Island Commercial Zone

1. Setbacks

Current

Front building limit - 15 feet.

Side yard- 7 feet in width, except as provided in § 160-8A(3) and (8), corner lots- 15 feet.

Rear yard setback- 10 feet

Recommended

Porches, bay and bow windows, cornices, eaves, gutters, chimneys, steps or entries projecting from the main structure may encroach into the front and side setbacks no more than 24 inches. In the case of porches, bay, and bow windows their eaves may encroach an additional 24”.

Completely open, unenclosed, steps and ramps may be built into setbacks but not less than four feet from any lot line

Ground level walkways, patios, terraces, and boardwalks not more than eight inches above finished grade of property may be built in setbacks.

Parking to be allowed in the setbacks. Front yard along Coastal Highway to be setback min 5’ from the property line. Parking in side yard setbacks to be setback 3’ min from the property line. Parking in rear yard setbacks to be setback 5’ min from the property line. Parking in front yard setback on side streets may be to the property line, and in some cases may be allowed to back onto the side street.

2. Height

Current

HEIGHT OF BUILDING. The vertical distance measured from the highest point of the crown of that portion of the street or road which is immediately adjacent to and abutting the property on which the building is to be erected to the elevation of the highest point of the building.

Height regulations:

(1) No building shall exceed a height of 30 feet, except as provided in §§ 160-8A(2) and 160-9A(2).

(2) An elevator shaft shall be allowed to extend 4.5 feet in height above the principal maximum building height permitted by these zoning regulations, provided the elevator shaft blends with the architectural aesthetics of the building and provided the dimensions of the shaft are not increased by more than 12 inches. No signs or antennas are permitted on the shaft.

(3) Notwithstanding §§ 160-5B(1) and 160-5B(2) above, where the principal building has a freeboard of 18 inches to 24 inches above base flood elevation (BFE), the principal maximum building height may be

increased by said 18 inches to 24 inches, not to exceed a total building height of 32 feet measured from the highest point of the crown of the road.

Recommended

Measure height from the highest point of the adjacent property line, or from the height of required freeboard (so as not to penalize property owners for freeboard requirements)

Allow the height of non-habitable sloping roof elements with slopes 5/12 min to extend 4.5 feet in height above the principal maximum building height permitted.

Allow HVAC equipment (which shall be screened as required) to extend 4.5 feet in height above the principal maximum building height permitted with the approval of the planning commission.

Allow cupolas and windows walks not larger than 8x8) feet to extend 4.5 feet in height above the principal maximum building height permitted with the approval of the planning commission.

3. Flood Zone Requirements, Freeboard Requirements

Current Requirements in the Commercial Zones

Nonresidential structures and nonresidential portions of mixed-use structures.

A. Elevation requirements.

The lowest floor (including basement) shall be elevated at least to the level of the base flood elevation plus 12 inches of freeboard or the structure shall be dry flood proofed in accordance with § 88-27B.

Recommended

Raise freeboard requirements to 24 inches above FEMA BFE in all A and X zones.

Also see design guidelines section on best methods of providing accessibility given flood elevation requirements.

Need to clarify with FEMA if requirements above grade are pre or post development grades.

4. Parking

Parking spaces required- No changes recommended from current code

Recommended

Parking dimensions (Otherwise per existing code) Standard space 9x18 with 23' drive aisle as standards

20% compact spaces allowed by right at 8.3' x16.5'

2' 6" of head of space may be unpaved to allow for plantings in the vehicle overhang space.

All dead-end driveways must include a two-foot extension of the drive for turnaround, as well as the end spaces being increased one foot in width

See setbacks for parking setback recommendations

5. Landscaping (to be developed)

Current- Only requirement is rear yard buffer

[1] All rear yard setbacks for lots located in the Commercial Zone shall include a professionally engineered or professionally landscaped five-foot vegetative stormwater buffer when abutting lots are used for residential purposes.

[2] Shrubs and trees are required in the buffer as follows:

[a] A minimum of two feet in height at planting, maintained at a maximum of 10 feet in height, no encroachment onto adjacent residential property, and spaced at a maximum distance of 10 feet apart. Such plantings shall be nondeciduous shrubs or trees that keep foliage year round.

Recommended

Review requirements for the rear yard buffer on the lots east of Coastal Highway. These are often the highest part of the lot which presents some challenge to the requirement these be a “stormwater buffer”

Allow larger deciduous trees in the rear yard buffer at 30’ oc closest spacing

Require deciduous trees along Coastal highway at roughly 30’ oc, except at corners

Require parking area landscaping.

In 2 ½’ parking space overhang space with low shrubs

Parking area perimeters to have small and medium shrubs and grasses

6. Mechanical Equipment Setbacks and Screening

Current

Any mechanical equipment shall be prohibited in the side yard setbacks except that, in the case of corner lots, the side setback adjacent to the side street with a minimum setback of 15 feet, there shall be permitted an encroachment of no more than four feet for such mechanical equipment. Mechanical equipment located in the rear setback must be adjacent to the building and shall be allowed to encroach into the rear yard setback not any closer than six feet to the rear property line and to a line not less than 15 feet from the front property line. Mechanical equipment located in any rear yard, front yard or corner side setback shall be screened from view with screening that has openings constituting between 20% and 30% of the total surface area of the screening to provide for the flow-through of air. A detailed design drawing of the mechanical equipment, together with any required screening, shall be submitted with the application for a building permit.

Recommended

Mechanical equipment shall include HVAC equipment, fans, vents, and refrigeration compressors

All mechanical equipment shall be located or visually screened so as not to be visible from the ground level at the surrounding property lines.

All mechanical equipment shall be located a minimum of 25' from the residential zone. (and be in compliance with the noise ordinance)

No mechanical equipment may be located in front yard setbacks. In side yard setbacks any mechanical equipment shall be permitted an encroachment of no more than four feet.

7. Noise

Recommended

It is prohibited for any person or business to cause, permit or allow any noise emanated on their property in any nonresidential zoning district to reach the residential zoning district at noise levels exceeding those as set forth below.

Generally noise/sound levels in excess of 65 dB(A) during the daytime hours and 55 dB(A) during the nighttime hours is hereby prohibited, except as noted below. Daytime hours. 7:00 a.m. to 9:00 p.m., local time. Nighttime hours. 9:00 p.m. of one day through 7:00 a.m. of the next day.

Measurement of noise levels.

(a) The measurement of noise levels shall be conducted at points on the property line of the source if the source is in a residential zoning district, or farther away, or on the boundary of a zoning district if the source emanates from property in a nonresidential zoning district, or farther away, or may be made on the premises of any property in a residentially zoned district reached by the sound waves from the noise emanating from the source.

(b) Measurement equipment shall be sound level meters complying with ANSI SI.4, 1971, Specifications for Sound Level Meters, of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network(s).

(c) Measurement equipment operators shall be members of the division herein described who have been properly trained in the operation of sound level meters.

Mechanical stationary sources.

These sources include HVAC units, commercial fans, and refrigeration compressors. Proper lubrication, regular maintenance, and quiet operation are the responsibility of the owner of the equipment.

No person shall operate or permit operation of any mechanical stationary source in such a manner as to generate sound having a sound pressure level greater than 55 dB(A) when measured from a distance of 50 feet or more from the source, or 65 dB(A) when measured from a distance of 10 feet or more from the source. The place of measurement shall be from the nearest adjacent residentially zoned property.

The limits set in subsection here do not apply to sounds generated by a generator employed to provide emergency electrical power.

Waste disposal services.

No person authorized to engage in waste disposal services or garbage collection shall provide such services so as to create an unnecessary amount of noise. For the purpose of this section, noise emitted by equipment shall not be deemed unnecessary or without justification if the person engaged in such

services has to the extent reasonably feasible in the judgment of the building inspector, incorporated available sound-deadening devices into equipment used in rendering those services. Notwithstanding the foregoing, no person authorized to engage in waste disposal services, or garbage loading and/or compacting equipment or similar mechanical device in any manner shall create any noise exceeding the following levels when measured at a distance of fifty feet from the equipment (a) On or after a date one year after the effective date of this section 9 p.m.-7 a.m. 55 dbA 7 a.m.-9 p.m. 87 dbA (b) On or after a date forty-eight months after the effective date of this section 9 p.m.-7 a.m. 55 dbA 7 a.m.-9 p.m. 82 dbA (c) Impulsive sounds must not exceed the levels specified in subsection (a) or (b) hereof by more than 5 dbA unless such person has been granted a variance.

8. Process

See draft design guidelines for recommendation